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IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

THOMAS FRISCIA,	)	1:05-cv-0433 OWW LJO
	)	
Plaintiff,	)	
	)	STIPULATION AND ORDER
v.	)	FOR REMAND PURSUANT TO
	)	SENTENCE FOUR OF 42 U.S.C.
JO ANNE B. BARNHART,	)	§ 405(g), and
Commissioner of Social	)	
Security,	)	REQUEST FOR ENTRY OF JUDGMENT
	)	IN FAVOR OF PLAINTIFF AND
Defendant.	)	AGAINST DEFENDANT
	)	

IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel of record, that this action be remanded to the Commissioner of Social Security for further administrative action pursuant to section 205(g) of the Social Security Act, as amended, 42 U.S.C. § 405(g), sentence four.

On remand, the Appeals Counsel will instruct an Administrative Law Judge ("ALJ") to further consider the issue of medical improvement with respect to the findings in the comparison point decision dated January 29, 1999.

The parties further request that the Clerk of the Court be directed to enter a final judgment in favor of Plaintiff and against Defendant, Jo Ann B. Barnhart, Commissioner of Social Security, reversing the final decision of the Commissioner.

Respectfully submitted,

Dated: March 27, 2006

/s/ Gina M. Fazio  
(As authorized via facsimile)  
GINA M. FAZIO  
Attorney for Plaintiff

Dated: March 28, 2006

McGREGOR W. SCOTT  
United States Attorney

/s/ Kristi C. Kapetan  
KRISTI C. KAPETAN  
Assistant U.S. Attorney

IT IS SO ORDERED.

**Dated: April 6, 2006**  
emm0d6

**/s/ Oliver W. Wanger**  
**UNITED STATES DISTRICT JUDGE**